

APPLICANT(S): SHERMAN Menny  
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#### **REMARKS**

The present response is intended to be fully responsive to all points of objection and/or rejection raised by the Examiner and is believed to place the application in condition for allowance. Favorable reconsideration and allowance of the application is respectfully requested. Applicant asserts that the present invention is new, non-obvious and useful. Prompt consideration and allowance of the claims is respectfully requested.

#### **Status of Claims**

Claims 1-22 have been rejected of which claims 1-10 and 15-22 remain pending in the application and claims 11-14 were cancelled without disclaimer or prejudice. Applicant reserves all right to file continuation or divisional applications for the canceled claims.

Claims 1, 7, 8, 15 and 16 were amended. Applicant respectfully asserts that no new matter has been added.

#### **REJECTIONS**

##### **35 U.S.C. § 103 Rejections of claims 1-6**

In the Office Action, the Examiner rejected claims 1 and 3-5 under 35 U.S.C. § 103(a) as being unpatentable over Faulkner et al. US Patent 6,385,297 (hereinafter "Faulkner") in view of Posthuma US Patent 6,496,566 (hereinafter "Posthuma '566").

Further, the Examiner rejected claim 2 under 35 U.S.C. § 103(a) as being unpatentable over Faulkner in view of Posthuma '566 and further in view of Charland US Patent 5,550,894 and claim 6 under 35 U.S.C. § 103(a) as being unpatentable over Faulkner in view of Posthuma '566 and further in view of Schneider US Patent 6,215,855.

As discussed in detail below, Applicant respectfully submits that the combination of Faulkner and Posthuma '566 does not teach, disclose or fairly suggest one or more of the features recited by amended claim 1 and the claims dependent therefrom.

Claim 1 was amended to include "performing an impairment line testing on said telephone line from said measurement device toward said subscriber while the first terminal is connected to said both wires of the twisted wire pair and the

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second terminal is connected to the common reference by transmitting a signal and receiving a reflected signal via the first terminal along the telephone line".

Faulkner discloses a measurement unit for testing twisted pair and for measuring magnitude and phase of the voltage at nodes of the tip and ring wires. The line to be tested is disconnected from the switch and connected to the measurement unit instead (Faulkner, col. 6, lines 20-24). The method and system disclosed by Faulkner are designed to perform line tests only on disconnected lines and the measurement test of Faulkner would be inoperable if the lines were connected. Moreover, the impairment test disclosed by Faulkner is done between two voltmeters (numerals 22, 24 of Fig. 2), where one is connected to the tip wire and the other to the ring wire and not between a first terminals connected to a common reference and another connected to both wires of the twisted pair.

Posthuma '566 discloses a test system for tip-ring pairs and a method of testing lines that are disconnected from the switch. Two sets of relays are responsible for connecting and disconnecting the lines from the line cards.

Accordingly, neither Faulkner nor Posthuma '566, alone or combination, teaches or discloses at least the feature of "performing an impairment line testing on said telephone line from said measurement device toward said subscriber while the first terminal is connected to said both wires of the twisted wire pair and the second terminal is connected to the common reference by transmitting a signal and receiving a reflected signal via the first terminal along the telephone line", as recited by amended claim 1.

Therefore, amended claim 1 is allowable over the combination of Faulkner and Posthuma '566. Each of dependent claims 3-5 depends, directly or indirectly, from independent claim 1 and includes all the features of the claim from which it depends as well as additional distinguishing features, and is therefore allowable.

Regarding claims 2 and 6, the claims are dependent from claim 1. As discussed above, the combination of Faulkner and Posthuma '566 does not teach or disclose all elements of independent claim 1.

Charland cannot cure the deficiencies of Faulkner and Posthuma '566 and therefore claim 1 is allowable over the combination of Faulkner, Posthuma '566 and Charland. Likewise, claim 2, which include all the limitations of claim 1 as well as additional distinguishing elements, is allowable over the combination of Faulkner, Posthuma '566 and Charland.

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Schneider cannot cure the deficiencies of Faulkner and Posthuma '566 and therefore claim 1 is allowable over the combination of Faulkner, Posthuma '566 and Schneider. Likewise, claim 6, which includes all the limitations of claim 1 as well as additional distinguishing elements, is allowable over the combination of Faulkner, Posthuma '566 and Schneider.

Applicants request that the Examiner withdraw the 35 U.S.C. § 103 rejections of claims 1-6.

### **35 U.S.C. § 102 Rejections of claim 7**

In the Office Action, the Examiner rejected claim 7 under 35 U.S.C. § 102(b) as being anticipated by Pomp et al. US Patent 5,859,895 (hereinafter "Pomp").

In the Office Action, the Examiner rejected claim 7 under 35 U.S.C. § 102(b) as being anticipated by Bellows US Patent 5,937,033.

Claim 7 was amended to be dependent from claim 1.

Pomp discloses a line diagnostic unit (LDU) that connects to telephone lines and performs measurements but does not teach or disclose, at least, "performing an impairment line testing on said telephone line from said measurement device toward said subscriber while the first terminal is connected to said both wires of the twisted wire pair and the second terminal is connected to the common reference", as recited by amended claim 1. Therefore, amended claim 1 and its dependent claim 7 are allowable over Pomp.

Bellows discloses a test head that includes test relays 82 for disconnecting and the lines during testing. At col. 5, lines 22-25, Bellow recites:

In a first, normal, position of test relay 82, the drop is coupled to its associated line circuitry 20 through ringer relay 81. In the second position of test relay 82, the drop is coupled to the common test head 50 (emphasis added)

Accordingly, Bellows does not teach or disclose, at least, "performing an impairment line testing on said telephone line from said measurement device toward said subscriber while the first terminal is connected to said both wires of the twisted wire pair and the second terminal is connected to the common reference ", as recited by amended claim 1. Therefore, amended claim 1 and its dependent claim 7 are allowable over Bellows.

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Applicants request that the Examiner withdraw the 35 U.S.C. § 102 rejections of claim 7.

### **35 U.S.C. § 103 Rejections for claims 8-15**

In the Office Action, the Examiner rejected claims 8, 11 and 13-15 under 35 U.S.C. § 103(a) as being unpatentable over Pomp or Bellows in view of Faulkner.

In the Office Action, the Examiner rejected claim 9 under 35 U.S.C. § 103(a) as being unpatentable over Pomp or Bellows in view of Schneider.

In the Office Action, the Examiner rejected claim 10 under 35 U.S.C. § 103(a) as being unpatentable over Pomp or Bellows in view of Posthuma US Patent 6,456,694 (hereinafter "Posthuma '694").

In the Office Action, the Examiner rejected claim 12 under 35 U.S.C. § 103(a) as being unpatentable over Pomp or Bellows in view of Charland.

Claims 11-14 have been cancelled.

Each of dependent claims 8-10 and 15 depends indirectly from independent claim 1. Pomp, Bellows, Faulkner, Posthuma '566, Schneider and Charland were discussed above. Applicant respectfully asserts that any combination of these references does not teach or disclose claim 1 as amended. Accordingly, claim 1 and its dependent claims 8-9 and 11-14 are allowable over any combination of Pomp, Bellows, Faulkner, Posthuma '566 Schneider, and Charland.

Regarding claim 10, Posthuma '694 discloses a test entity that determines whether there is an opportunity to perform a line test but does not teach or suggest, at least, the above discussed limitations of amended claim 1. Therefore, amended claim 1 and its dependent claim 10 are allowable over the combination of Bellows or Pomp, Faulkner, Posthuma '566, and Posthuma '694.

Accordingly, Applicant respectfully requests that the rejections of claims 7-15 under 35 U.S.C. § 103(a) be withdrawn.

### **35 U.S.C. § 103 Rejections for claims 16-22**

In the Office Action, the Examiner rejected claims 16 and 18-20 under 35 U.S.C. § 103(a) as being unpatentable over Faulkner in view of Posthuma '694.

Further, the Examiner rejected claim 17 under 35 U.S.C. § 103(a) as being unpatentable over Faulkner in view of Posthuma '694 and further in view of Charland.

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Further, the Examiner rejected claim 21 under 35 U.S.C. § 103(a) as being unpatentable over Faulkner in view of Posthuma '694 and further in view of Posthuma '566.

Further, the Examiner rejected claim 22 under 35 U.S.C. § 103(a) as being unpatentable over Faulkner in view of Posthuma '694 and further in view of Mohajeri US Patent 6,850,618.

For the same reasons discussed above, Applicant respectfully assert that the combination of Faulkner and Posthuma '694 does not teach or suggest, at least, "a configuration unit coupled to said line selector unit and to said line status detector .... wherein said apparatus is to perform said impairment line testing on said active telephone line from said measurement device toward a subscriber of said active telephone line while the first terminal is connected to said both wires of the twisted wire pair of said active telephone line and the second terminal is connected to the common reference by transmitting a signal and receiving a reflected signal via the first terminal along the telephone line", as recited by amended claim 16.

Accordingly, independent claim 16 is allowable over the combination of Faulkner and Posthuma '694.

Claims 18-20 depend from claim 16. Accordingly, claims 18-20 which include all the limitations of independent claim 16 as well as additional distinguishing elements are allowable over the combination of Faulkner and Posthuma '694.

Claims 17 is dependent from claim 16. The combination of Faulkner and Posthuma '694 does not teach or discloses all elements of independent claim 16. Charland cannot cure the deficiencies of Faulkner and Posthuma '694 and therefore claim 16 is allowable over the combination of Faulkner, Posthuma '694 and Charland. Accordingly, claim 17 which includes all the limitations of claim 16 as well as additional distinguishing elements, is allowable over the combination of Faulkner, Posthuma '694 and Charland.

Posthuma '566 cannot cure the deficiencies of Faulkner and Posthuma '694 and therefore claim 16 is allowable over the combination of Faulkner, Posthuma '694 and Posthuma '566. Accordingly, claim 21 which includes all the limitations of claim 16 as well as additional distinguishing elements, is allowable over the combination of Faulkner, Posthuma '694 and Posthuma '566.

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Mohajeri et al. cannot cure the deficiencies of Faulkner and Posthuma '694 and therefore claim 16 is allowable over the combination of Faulkner, Posthuma '694 and Mohajeri et al. Accordingly, claim 22 which includes all the limitations of claim 16 as well as additional distinguishing elements, is allowable over the combination of Faulkner, Posthuma '694 and Mohajeri et al.

Accordingly, Applicant respectfully requests that the rejections of claims 1-22 be withdrawn.

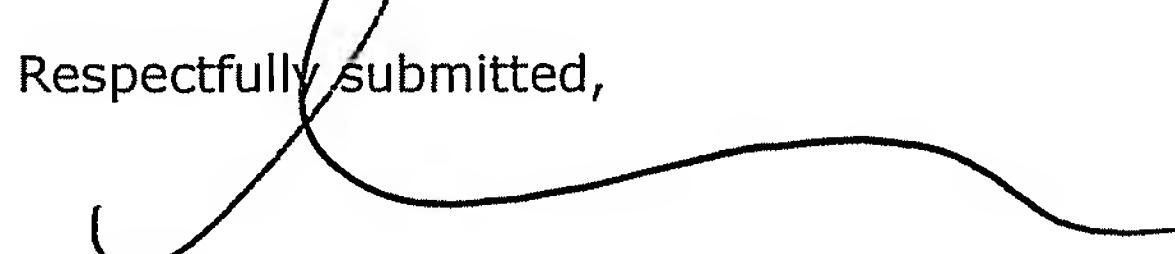
### **CONCLUSION**

In view of the foregoing amendments and remarks, Applicant asserts that the pending claims are allowable. Their favorable reconsideration and allowance is respectfully requested.

Should the Examiner have any question or comment as to the form, content or entry of this Amendment, the Examiner is requested to contact the undersigned at the telephone number below. Similarly, if there are any further issues yet to be resolved to advance the prosecution of this application to issue, the Examiner is requested to telephone the undersigned counsel.

Aside from the petition for a one-month extension of time and the fees for RCE, no fees are believed to be associated with this paper. However, if any such fees are due, please charge such fees to deposit account No. 50-3355.

Respectfully submitted,

  
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